

California Regional Water Quality Control Board
North Coast Region

NOTICE OF PUBLIC HEARING AND NOTICE OF ISSUANCE OF A COMPLAINT

Administrative Civil Liability Complaint No. R1-2008-0105

for
Violations of Waste Discharge Requirements

In the Matter of
Ronald E. Yingling
WDID No. 153C349380
Weaverville, Trinity County

On August 28, 2008, the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), Assistant Executive Officer issued Administrative Civil Liability Complaint No. R1-2008-0105 (Complaint) to Mr. Ronald E. Yingling (Discharger). The Complaint assesses civil liabilities under Water Code section 13385, subdivision (a)(1) in the amount of \$5,000 for the discharge of sediments from the Discharger's Weaverville construction site (APN 024-200-23-00) into waters of the United States.

Opportunity for Settlement Without a Public Hearing

A thirty-day public comment period has commenced beginning on the date of this notice. This matter may be settled without a hearing if no significant comments are received during the comment period and if the Discharger waives the right to a hearing and agrees to pay the full amount of proposed civil liability. The Executive Officer will consider comments received and either finalize the settlement or take other appropriate action.

Public Hearing Procedures

If the Discharger expresses intent to contest the Complaint by not waiving the hearing, the Regional Water Board will hold a public hearing on this matter at a time announced in the Regional Water Board's summary agenda to be mailed on or about September 1, 2008. The meeting is scheduled to be held on October 23, 2008 in Weaverville California. At the hearing, the Regional Water Board will consider whether to affirm, reject, or modify the proposed civil liability, or take other enforcement action.

The Discharger and interested persons must submit to the Regional Water Board office at 5550 Skylane Boulevard, Suite A, Santa Rosa, California, 95403, written copies of all technical reports, testimony, and other evidentiary material that it would like the Regional Water Board to consider concerning this issue by 5:00 p.m. on September 23, 2008. This written material will be made available to the Regional Water Board members and all interested persons.

Written material received after the above date will not be accepted, except at the discretion of the Regional Water Board Chair. Untimely written material will not be accepted or incorporated into the administrative record if doing so would prejudice the Discharger or the Regional Water Board staff. The Chair may choose to modify this rule upon a showing of severe hardship (California Code of Regulations, title 23, sections 648.1 and 648.4).

All those who plan to testify at the hearing must submit written statements to the Regional Water Board by September 23, 2008. The statements should provide the name of the witness, their qualifications (if an expert), and the scope of their intended testimony. Testimony at the above-scheduled hearing may summarize or explain timely submitted or late-accepted written evidence, but shall not add new evidence. The time constraints for oral testimony or comments will be set by the Regional Water Board Chair and usually will allow no more than ten minutes each for Regional Water Board staff and the Discharger and three minutes each for other interested persons. A timer may be used and speakers are expected to honor the time limits. Where speakers can be grouped by affiliation or interest, such groups will be expected to select a spokesperson and not be repetitive.

Document Review

The Complaint is available for review on the Regional Water Board web site at http://water100.waterboards.ca.gov/rb1/adopted_orders/. That document as well as the other evidentiary documents and files may be inspected or copied at the Regional Water Board office on Mondays through Fridays from 8:00 a.m. to 5:00 p.m. Appointments are recommended for file review. Appointments can be made by calling (707) 576-2220. For further information, please contact Regional Water Board staff member Paul Keiran at (707) 576-2753 or at pkeiran@waterboards.ca.gov.

Luis Rivera
Assistant Executive Officer

August 28, 2008